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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1978

CYRUS VANCE, SECRETARY OF STATE, APPELLANT

v.

LAURENCE J. TERRAZAS

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MOTION TO DISMISS APPEAL

AND

MOTION TO STRIKE JURISDICTIONAL STATEMENT

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The Appellant herein seeks to review the Decision of the United States Court of Appeals for the Seventh Circuit which was entered on May 26, 1978, and appears in Appendix B of Appellant's Jurisdictional Statement. The question presented revolves around the determination by the Court of Appeals that 8 USC 1481 (c) is unconstitutional as it contravenes the Citizenship Clause of the Fourteenth Amendment.

1. Correction of Statement of Facts

The Statement of Facts presented by the Appellant is not wholly accurate ignoring uncontroverted facts and admissions by Appellant. The Trial in the U.S. District Court revealed not one Application for Certificate of Mexican Nationality, but two. See Trial Exhibits 32 and 36. The second Application for Certificate of Mexican Nationality was not signed by the Appellee at all but his name was forged thereon. Appellee's name was misspelled! Mr. Parsons was asked to identify the signature and could not identify the signature or the person who signed it.

The Appellant's attorney in examining Mr. Terrazas, the Appellee herein, elicited from him the circumstances surrounding the execution of the Application referred to on Page 3 of the Brief. The Appellee stated uncontrovertedly that he signed the document in blank, without reading it.

(TR 19 Mrs. Laverne Terrazas, (TR 490) testified under oath, also uncontroverted, that the document was in fact signed in blank. A neighbor, Mrs. Fugman, testified as to her conversations (TR. 477, 479, 484) with the Appellee at approximately the time that the so-called Application was signed in blank. The foregoing is set forth to show that the evidence reveals that not only was the Appellee surprised buthe was a passive participant in the obtaining of the Certificate of Mexican Nationality. Attention is called to the Transcript Page 236 and the following testimony relative to Exhibit 32 by Mr. Wesley Parsons:[1]

"Q. I want to ask you if you ever saw Exhibit 32?
A. No I did not.
Q. What is Exhibit 32?
A. This appears to be an application for someone who wishes to apply for a Certificate of Mexican Nationality.
Q. Do you see anybody's signature on there that you recognize?
A. I don't know whose signature is on this document, I have no way of knowing."

On page 4 of its Brief, Appellant states that Appellee wanted a determination of his citizenship. Appellant proved that Appellee wanted more than a determination. Exhibit 14a, a document edited extensively by consular officials who now contend that standard forms were filled out, indicates that Mr. Terrazas had been told by a Consular Official that he had committed an overt act of treason against the United States. On page 269 Mr. Parsons was

1 So confused was the Appellant's presentation that the District Court found that its evidence established expatriation as occurring on August 3, 1971. The Certificate of Loss of Nationality recites April 3, 1971.

again asked:

"Q. Did you inform the Department of State that Mr. Terrazas was surprised when you told him that he had allegedly expatriated himself?

A. To the best of my knowledge I did not.

Q. Did you inform the Secretary of State that Mr. Terrazas believed he had committed an overt act of treason?

A. No, I did not inform the Department of State of that fact.

Q. Did you inform the Department of State that Mr. Terrazas believed that because he had obtained Certificate of Mexican Nationality that he could no longer go home to his family?

A. No, I had no reasons.

Q. Did you call Mr. Terrazas' school to find out if they required a Certificate of Mexican Nationality for a diploma?

A. No, I did not."

It is to be noted that the document prepared (Exhibit 14a) does not give any idea to a non-lawyer of the consequences of preparing it. In point of fact, it states that it is an Application of Registration. On the final page of the document on December 9, 1971, Wesley Parsons, who is represented by Defendant as not making a determination of Plaintiff's citizenship, made a recommendation and determination, stating:

> "It is the opinion of the Consular Officer that subject expatriated himself under Section 34982 of the Immigration and Nationality Act by voluntarily taking an oath of allegiance to a foreign state and specifically renouncing any claim to his American Citizenship in connection with the Certificate of Mexican Nationality. The subject came to the Consul to Clarify his citizenship status and wishes to receive a defitive statement regarding his loss of nationality. It is therefore recommended that his application for registration be disapproved."

The Appellant, in its Brief, states that on November 15, 1971 the Consul said it presented the Appellee certain "standard forms." Such a statement is not in accordance with the facts. Not only were the documents not "standard forms" but it appears that a Mexican National struck out words therein, red-penciled others and changed the meaning of full statements. See transcript Pages 402 - 407.

It is also interesting to note that Mexico has abolished the oath so it was therefore impossible for Appellee to take any oath of allegiance to Mexico.

The Court of Appeals reversed the Trial Court's decision but in addition to reversing the decision the Court of Appeals was faced with the Government's arguments in the case of United States v. Matheson, 400 F. Supp. 1241, 1245 (S.D.N.Y. 1975), aff'd, 532 F 2d. 809 (2d Cir.) cert denied, 45 L.W. 3250 (1976) P. 23a of Brief, wherein in a case on "all-fours" the Government took an entirely different and inconsistent position than it is pursuing in this case.

II. REASON FOR DENYING APPEAL

The Government makes a number of statements which are very troubling. On Page 8 the Appellant states:

> "The court's holding that the Constitution requires that repudiation of citizenship be proved by clear, unequivocal, and convincing evidence is not required by prior decisions of this Court and nullifies the intent that Congress unequivocally expressed in Section 1481(c)."

The Appellant then cites Nishikawa v. Dulles, 356 U.S. 129 (1958) which clearly did hold that the expatriating act must be proven by clear, unequivocal and convincing evidence.

Appellant then states on Page 9:

> "Three years after Nishikawa, however, Congress amended the Immigration and Nationality Act, 8 U.S.C. 1101 et seq. (1961), to add what is now 8 U.S.C. 1481 (c)."

On Page 12 Appellant states:

> "Eight years after Nishikawa, in Woodby v. Immigration and Naturalization Service, 385 U.S. 276 (1966), this Court held that in a proceeding to deport an alien (emphasis added) the government must establish the facts supporting deportability by 'clear, unequivocal, and convinving evidence'....And the Court observed that the burden of proof was 'the kind of question which has traditionally been left to the judiciary to resolve...."

The statement of the Appellant then goes on to state:

> "....In Afroyim v. Rusk, 387 U.S. 253 (1967), this Court held that Section 401(e) of the Nationality Act of 1940, which provided that a United States citizen lost his citizenship if he voted in a foreign political election, was an unconstitutional exercise of congressional power. The Court held that nothing in the Constitution gave Congress 'any general power, express or implied, to take away an American citizen's citizenship without his assent'."

Appellant in its statement notes Woodby v. Immigration and Naturalization Service case deals with an alien, Afroyim deals with a naturalized citizen, Terrazas deals with a person born virtually within sight of the Capitol of our democracy, being born within the continental limits of the United States in Tacoma Park, Maryland. The argument of Appellant then is to the proposition that a natural citizen, to-wit: one who obtains his citizenship by birthright, is entitled to less than the rights of one who is naturalized or an alien. As additional support as the gravamen for placing the Appellee herein in jeopardy, the Government argues:

> "The decision below will make expatriation extremely

difficult to prove in any contested case."[2] (Page 17 Brief)

The statistics cited are incredible, the Appellant stating:

> "the Department of State has made a finding of loss of nationality in 20,050 cases.... The Department of State estimates that approximately 40 percent of determinations of loss of nationality, from all sources, are contested."

Cases are not tried in a vacuum. Today, a serious problem exists with foreign students who came into this country to study and are rioting in our streets and endangering our population. The Chicago Tribune, Sunday Edition of January 29, 1979 contains an article which is reproduced in full as an attachment hereto and made part hereof. The article reads:

> "In the wake of Atty. Gen. Griffin Bell's vow to deport Iranian students convicted of violence, the Justice Department has discovered record keeping so sloppy that the federal government doesn't know how many foreign students are in this country....
>
> INS records were more than six months out of date, the agency could not say how many students were in the country....
>
> 'We're operating out of 40 million manila folders all over the country,' Jarvis said. 'When someone applies for naturalization, we have to send for his paper file. We lose (track of) about 10,000 people a year who come into the country on tourist or student visas.'....
>
> Following the anti-Shah riot in Beverly Hills, in which 7 were arrested and 35 injured, Bell pledged to deport all Iranians guilty of violence in this country as fast as the law allows....
>
> The INS has balked at such a review in the past on grounds it lacked manpower. Bell reacted with heat to the INS claim. He told a newsman, 'If the attorney general directs them to do it, they'll do it. Everything about INS is a shortage of manpower. They have 10,000 people. They must be able to do something'....
>
> Previous investigations of the INS were described as having been kept 'within the confines of the agency.'"

Thus it appears that Immigration and Naturalization Service is very efficient in eliminating, by finding loss of citizenship, 40 per cent of the 20,000 plus citizens, but in dealing with non-citizens who pose a clear and present danger to the country and its citizenry, Immigration and Naturalization is apparently impotent. The significance of the documentation in the instant case is noted in the Deposition of Wyatt Bernard Johnson. Mr. Johnson was produced and said that when at a social party he indicated that he heard Mr. Terrazas say something terrible about the United States. The terrible statement turned out to be that Mr. Terrazas had said that there was racial discrimination in the United States. Further, Mr. Johnson met with Mr. Parsons at the Consular service and was shown all the documentation which had been prepared - the documentation which the Appellant informs this Court was "standard form". Mr. Parson's comment when he was asked why he needed all the documentation was, (Dep. W. Johnson P. 21)

"Well, he said this was a lesson in CYA.

Mr. Ditkowsky: CYA?

Mr. Dent: Cover your ass, I think, it's a legal term."

Subjecting the Plaintiff-Appellee herein to more legal expense, including the expense of an Appeal to the Supreme

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2) As a leader in the fight for human rights the quoted statement is pernicious and a violation of Article 15 of the United Nations Universal Declaration of Human Rights. The function of the INS is not to denaturalize citizens!! It is a sorry commentary for Appellant to admit that it denaturalized 8,000 Americans who did not want to be.

Court, is a form of cruel and unusual punishment. The record is clear herein that the Appellee was a young man who went to the Consulate believing the words "consular" to mean "counsellor". In so doing, he put his faith and trust in another young man who was a "consular." This young man did not inform him to see a lawyer but told him that he had committed an overt and treasonable act in signing the Application for Certificate of Mexican Nationality, an application which was signed in blank and not read by the Appellee. The Appellee asked for help. Instead, a foreign national, employed in Mr. Parson's office as office help, determined that the mere possession of a Certificate of Mexican Nationality was an expatriating act. In spite of the fact that the Dept. of State had enunciated its position in its Foreign Affairs Manual and in the Matheson Case (cited supra) that mere possession of a Certificate of Mexican Nationality was not an expatriating act, Appellee was induced to sign a number of documents to his extreme detriment. These documents resulted in the improper issuance of a Declaration of Loss of Nationality. These documents were altered by Consular Officials to give a false impression. The record is replete with examples of the impropriety of the Consular Officials and an apparent lack of understanding of their job. The number of documents prepared indicates the unsureness of the Government in its position and also indicates an extreme over-kill of Appellee.

It is unfair to put the Appellee through more legal battles. His fight in the Courts has demonstrated his sincerity in wanting to protect his citizenship, as well as his faith in the democratic process. To the Appellant, this case represents an intellectual challenge, to the Appellee this matter represents a continuing hardship and a continuing struggle and expense.

WHEREFORE,Appellee prays that the Court examine the record before it, examine the Brief filed in the Seventh Circuit Court of Appeals, and find that Laurence J. Terrazas is indeed a citizen of the United States of America and refuse further the appeal of the Decision of the Seventh Circuit Court of Appeals.

Respectfully Submitted

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BY MR. DENT:

Q All right. In any event, you were in Mr. Parsons' office?

A Yes.

Q And was anyone else there?

A No. Wes and I were there. He showed me this document that this lawyer had written and the lawyer -- and as I recall, then going back five years, it says, "Come now, Mr. Parsons, we must all -- we all make mistakes. We must amend our ways, and admit to our errors."

He was trying to put the blame on Wes as far as why this man rendered. In other words, Wes made him do this and Wes put out another paper where he had signed, this is -- he said to me this is a lesson --

Are you allowed to use profanity or just --

MR. DITKOWSKY: Use it. Use the word he said.

MR. DENT: Is it necessary for him?

You use it, yes, if --

BY THE WITNESS:

A Well, he said this is a lesson in C Y A.

MR. DITKOWSKY: C Y A?

MR. DENT: Cover your ass, I think. It's a legal term.

BY THE WITNESS:

A Yeah, he said, and this is why -- he said to me

signed, and tell me whether any information on that document is not accurate and true information.

THE WITNESS: The address given as my residency in Mexico City is a place where I never lived.

THE COURT: Who lived there, if you know?

THE WITNESS: A brother of my father, Jorge Terrazas.

THE COURT: And was that the aunt that you made reference to --

THE WITNESS: No, your Honor.

THE COURT: -- where you said you lived?

THE WITNESS: No, I was living in Monterrey, Mexico, a thousand miles away from here.

THE COURT: All right, what else is inaccurate?

THE WITNESS: At the bottom, it says that I swore to this document on the 16th of November, 1970. That's an untrue statement because I never signed that document on that date.

THE COURT: Now, when you signed this document, in September, you say --

THE WITNESS: Yes, sir.

THE COURT: -- was there any written information on that document furnished by you?

THE WITNESS: No, sir, there was not.

THE COURT: What was on that original when you signed it?

THE WITNESS: The original was a form letter, just as that is, without any indications of my father's name, mother's name, address, or anything.

THE COURT: Any who gave this to you to sign?

THE WITNESS: My father did.

THE COURT: And what did he tell you?

THE WITNESS: He told me that I was signing a document necessary for me to get my diploma in Mexico.

THE COURT: Did you ask him what that document meant?

THE WITNESS: Yes, I did.

THE COURT: What did he tell you?

THE WITNESS: He told me: "Don't worry about it. Don't argue with me. Just sign it."

THE COURT: Now, did that document at that time contain the following language in Spanish?

Give him a copy of that. Have you got it in front of you?

THE WITNESS: No.

MS. MOSELEY: Here it is.

THE COURT: It is directed to the:

"Department of Foreign Affairs
Bureau of Legal Affairs
Nationality Division
T-l-a-t-e-l-o-l-c-o."

How do you pronounce that?

THE WITNESS: Tlatelolco, or something like that.

THE COURT: Tlatelolco?

THE WITNESS: Right.

THE COURT: "Tlatelolco, D.F. Re: Application for Certificate of Mexican Nationality."

Was that on there when you signed that document?

THE WITNESS: Yes, it was.

THE COURT: And you read it?

THE WITNESS: No, I didn't.

THE COURT: You didn't read the document at all in Spanish?

THE WITNESS: I didn't read it at all, sir.

THE COURT: You didn't read it at all?

THE WITNESS: I glanced at it, but that's it.

THE COURT: The first paragraph of that is in Spanish, and the translation I have. You have the document in front of you, and you tell me whether it is a literal translation.

"I hereby respectfully request that I be issued a Certificate of Mexican Citizenship on the basis of the facts confirmed by the attached documents and in accordance with the legal provisions applicable to the case."

Do you remember reading that on that document?

THE WITNESS: No, I don't, your Honor.

THE COURT: Would you say that you did not read it?

THE WITNESS: I would say that I don't remember

EXERPTS OF UNCONTROVERTED TESTIMONY RELATIVE TO EXECUTION OF ONE OF THE TWO APPLICATIONS.

MS. MOSELEY: The same document, Document No. 48.

THE WITNESS: Yes.

MS. MOSELEY: Yes, what?

THE COURT: Does that refresh your recollection?

MS. MOSELEY: Does that refresh your recollection?

THE WITNESS: It says I studied Spanish. I don't remember, your Honor.

MR. MOSELEY:

Q So by 1970, you were fluent in the Spanish language, isn't that correct?

MR. DITKOWSKY: Objection. It calls for a conclusion.

THE COURT: He may answer.

MS. MOSELEY:

Q You are fluent in the Spanish language, isn't that correct?

A I believe I have a fluency in that language, yes.

Q You signed an Application for Certificate of Mexican nationality dated November 16, 1970, is that correct?

A No, that is not correct.

Q You did not sign a document dated November 16, 1970?

A I did not.

MS. MOSELEY: I would like the court reporter to mark this as Defendant's Exhibit No. --

Your Honor, the difficulty is that we have renumbered the documents, and they didn't follow the pretrial order,

THE COURT: And for the "Domicile" it gives the address:

. "Parroquia 731-302, Colonia Del Valle, Mexico, D.F., Zone 12, Mexico."

Was that on there at the time?

THE WITNESS: It was not. However, if it had been, it would have been erroneous, because that was never my address.

THE COURT: But that was not on there?

THE WITNESS: That was not on there.

THE COURT: All right.

"Place and date of birth: Takoma Park, Montgomery County, Maryland, U.S.A., December 13, 1947."

Was that on there?

THE WITNESS: That was not on there.

THE COURT: (Reading):

"Father's name and nationality: Carlos Terrazas Navarro. Mexican."

Was that on there?

THE WITNESS: That was not on there.

THE COURT: (Reading):

"Mother's name and nationality: LaVerne Genevieve Wootton. American."

Was that on there?

THE WITNESS: That was not on there, but, once,

Q At the time that you signed this document, you understood the words, "I therefore hereby expressly renounce United States citizenship" even though it appears in Spanish?

A Carol, those words were not on there.

Q They were not on there on the original?

A Would you please repeat the question?

Q "I therefore hereby expressly renounce United States citizenship."

A Are you referring to Paragraph 2?

Q Paragraph 2, yes.

A The document that I signed did not give any specific nationality. It doesn't say "citizenship." It says "nationality."

Q But you understood the words, "I therefore hereby renounce --"

A Nationality.

Q "--nationality," and the state had to be filled in?

A It would have had to be filled in.

Q And you understood those words, even though they were in Spanish?

A As I so stated, Carol, I don't remember what was on the form. I don't remember if I read it, and I don't even know if I understood it.

Q Well, you were fluent enough in Spanish to have understood it, if you had read it?

Terrazas or Larry Terrazas.

"Question: Was anyone else present in the room?

"Answer: I don't think so. I think it was just Wesley, John and myself."

Does that statement comport with your recollection of the first meeting?

A No, it does not.

Q All right; at the time of your first meeting with Mr. Terrazas, did he mention to you -- well, did he in your discussions with regard to the Mexican Certificate ask or mention to you its effect on his American citizenship?

Admission by Parsons that he misled Terrazas in informing him that CMN is exp. act

A Well, after he told me that he had one, and so forth, I advised him that as far as I knew, obtaining a Certificate of Mexican Nationality was an expatriating act. We discussed it in that context. In fact, I just finished saying: If you have got a Certificate of Mexican Nationality, you've committed an expatriating act and you've lost your citizenship.

Q Did he ever say to you that he did not see that he could have jeopardized his American citizenship?

A That he did not see how he could have jeopardized his American citizenship?

Q Yes.

A I don't recall him ever having said that.

MR. DITKOWSKY: This seems to be impeaching

MR. DITKOWSKY: Okay, I will withdraw the question.

BY MR. DITKOWSKY:

Q Now, Mr. Witness, you testified that when you told Mr. Terrezas that he had expatriated himself, that he was surprised, is that correct?

A He was surprised, yes. Yes, I would say he was surprised.

Q As a matter of fact, he didn't know that he had expatriated himself, isn't that true?

A Yes, that is true. He was not aware that he had expatriated himself.

Q And he didn't know that he had allegedly expatriated himself until you told him that he had, isn't that correct?

A That is true.

Q And did you tell him the consequences of expatriation?

A The consequences of expatriation? We discussed right there in the office how to get back to the United States, what he would have to do to apply for a visa, and so on and so forth. He brought up the matter of the draft.

Q Did you tell him to seek counsel of a lawyer?

A No, I did not.

Q Did you tell him to speak to your superiors?

A To speak to whose superiors, sir?

Q The people who were to supervise you?

A No.

Q Did you tell him to seek the counsel of anybody else beside yourself?

A No.

Q Did you at this point tell him that he was an alien of the United States?

A Sir, there is no such thing as an alien of the United States.

Q Did you tell him he was no longer a United States citizen?

A I told him that to the best of my knowledge and understanding of the law, he had committed an expatriating act. Again, he wanted an authoritative decision. I explained to him the only way to get it was a Certificate of Loss. I couldn't approve a Certificate of Loss, that it had to go to Washington. But in every case that I had seen like this before or it had been my experience to hear about, the Certificate of Mexican Nationality was considered to be an expatriating act. It had always been upheld. n.B Parsons misrep of the law. Not true in Matheson case.

Q Sir, did he tell you that he wanted a Certificate of Loss of Nationality?

A No, sir. He told me what he wanted was a letter that he was no longer a citizen so that he could advise his

Relative to keeping his employer informed as to all facts

Q Did you inform the Department of State that Mr. Terrazas was surprised when you told him that he allegedly expatriated himself?

A To the best of my recollection, I did not.

Q Did you inform the Secretary of State that Mr. Terrazas believed that he had committed an overt act of treason?

MS. MOSELEY: Objection, your Honor. Object to the form of the question.

THE COURT: He may answer.

THE WITNESS: No, I did not inform the Department of State of that fact.

BY MR. DITKOWSKY:

Q Did you inform the Department of State that Mr. Terrazas believed that because he obtained the Certificate of Mexican Nationality he could no longer go home to his family?

A No, I had no reason.

Q Did you call Mr. Terrazas' school to find out if they required a Certificate of Nationality for a diploma?

MS. MOSELEY: Objection, your Honor.

THE COURT: He may answer.

THE WITNESS: No, I did not.

BY MR. DITKOWSKY:

Q Did you inquire of Mr. Terrazas why he applied

A I don't remember.

THE COURT: Do you recall calling Mr. Parsons' attention to anything in this document at all?

THE WITNESS: No, sir.

THE COURT: All right; that covers the whole gamut of it.

MR. DITKOWSKY:

Q Now, is it true that Mexico has abolished the oath for obtaining Certificates of Mexican Nationality?

A Which oath?

Q The oath that one stands before an official and raises his hand to God and swears allegiance?

A Yes.

MS. MOSELEY: Objection.

THE COURT: Overruled.

Apparently, you struck out from one of these documents the oath of allegiance.

THE WITNESS: The oath of allegiance to the United States.

BY MR. DITKOWSKY:

Q That was the United States?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. DITKOWSKY:

Q Now, what is the procedure for obtaining a Certifi-

BY MR. DITKOWSKY:

Q Did you immediately upon learning of the mistake in your interrogatory try to contact the U. S. Attorney to correct your answer?

A Immediately? No, I didn't.

Q Now, did you find that Mr. Terrazas committed any other expatriating act besides allegedly taking an oath of allegiance to the Republic of Mexico?

A No, I didn't.

Q And you didn't make any recommendation that he had committed any other expatriating act, is that correct?

A I would like to see the FS-176S which is my recommendation.

Q Well, of your recollection now after testifying and seeing it this morning, is your recollection that you found no other expatriating act?

A I would like to see the 176. To the best of my knowledge, the Certificate of Mexican Nationality is the only expatriating act that we brought forth in this case.

Q And Mr. Terrazas did not in your presence renounce his American citizenship, is that correct?

A No, he did not.

Q And when you investigated, did you find that Mr. Terrazas had voted in a Mexican election?

MS. MOSELEY: Objection, your Honor.

John Christiansen and I were socializing. He wanted to know -- he was not asking any questions, trying to find anything that I was doing wrong. He only asked me about my status, what was I doing in Mexico? I told him I was going to school. I told him that I was working. Mr.Christiansen asked me if I was working as a resident American or if I --

Q So in other words, your answer is that you went there at the urging of Mr. Christiansen, is that right?

A Yes, sir. He advised me to go to the Consulate.

Q Had anybody prior to this time questioned your American citizenship?

A No, sir, they had not.

Q And had you traveled to the United States without any questions being asked as to whether you were a citizen or not?

A Yes, sir.

Q I show you a document that was originally in the Defendant's Pretrial Memorandum as Exhibit 23 which has not been produced. It will be our Exhibit LT-4, and I ask you, Mr. Witness, if you received the original of this letter?

A Yes, sir, I did.

Q Is that a true and correct copy of the letter?

A Yes, sir, it is.

Q Who is that letter from?

to this document? Were you present in the courtroom when Mr. Parsons testified to this document?

A Yes, I was. I was present when Mr. Parsons made his statement regarding this document, and I was present when Ms. Ibarra made her statement.

Q Now, this document was typed by you, is that correct?

A Yes, sir, it was.

Q And you did not make the corrections on this document, did you?

A No, sir, I did not.

Q Who made the corrections on this document?

A To the best of my recollection, large portions of paragraphs were stricken by Mr. Parsons. I do not remember if Mrs. Ibarra made any changes on here. I know she saw the document. I cannot ascertain at this moment, nor do I want to swear if she did or she did not make any changes.

Q But your recollection is that Mr. Parsons made them?

A My recollection is that Mr. Parsons made deletions of paragraphs. I do not know specifically which ones, nor do I know if he made any changes on the front part of the form where the questions are.

Q Did you object to any deletions?

A No, sir, I did not.

Q Why did you not?

A Because at that time, I was trying to help them get all of the documentation needed so that they could createthe file that they needed to create.

Q Why did you feel it necessary to create a file?

A Because I wanted to make sure that my position was clear, and I was trying to establish my status as an American citizen.

Q Did you have any intention of obtaining a Certificate of Loss of Nationality?

A No, sir, I did not.

Q Now, on the back of Page 3 of this document, you refer to a Consular Official. Will you identify the Consular Official you refer to?

A All of my transactions regarding these documents were handled between Mr. Parsons and Mrs. Ibarra. The Consular Official that I refer to is Mr. Parsons.

Q How did you get to the Consulate to begin with?

A I went to see Mr. Parsons on a Monday. I went to a party on a Saturday evening, a birthday party for one of the employees of the American Consulate in Monterrey.

During that time, I was socializing, talking to different officials of the American Government, different employees of the American Government. During my socializing, I met Mr. John Christiansen.

TRSTIMONY OF APPELLEE RELATIVE TO HOW HE GOT TO THE CONSULATE AND WHAT WAS SAID TO HIM.

to the Republic of Mexico?

A No, sir, I did not.

Q Now, Mr. Terrazas, you signed documents which have been presented in this court which say that you did sign an oath of allegiance to the Republic of Mexico. Can you explain why you signed those documents?

MS. MOSELEY: Objection, your Honor.

THE COURT: He may answer.

THE WITNESS: I was told by the Citizenship Officer of the American Consulate in Monterrey, Mexico, that by obtaining a Certificate of Mexican Nationality, I had sworn allegiance to Mexico.

THE COURT: Who told you that? What was the name of the man?

THE WITNESS: Mr. Wesley Parsons.

BY MR. DITKOWSKY:

Q And what else did he tell you?

A At that time, he asked me did I realize by taking this oath of allegiance to Mexico, that I was committing an overt act of treason against the United States.

Q And what did you tell Mr. Parsons?

A I told Mr. Parsons that I did not know I was committing any act against the United States, and as far as I was concerned I considered myself as a loyal American citizen.

Q Did you pay him a fee?

A I did not pay him a fee. My father paid him.

Q Did you know of his actions?

A I did not have the slightest idea of what he was doing in Mexico City.

Q Did you authorize Attorney Rebollar to appear for you and obtain a Mexican Birth Certificate?

A No, sir, I did not.

Q Did you authorize him to sign your name?

A No, sir, I did not.

Q Do you have Exhibit 32 here?

A No, when you first asked for it, I didn't have it.

Q All right. I show you a copy of Exhibit 32. The copy that has the number on it seems to have disappeared. I ask you to identify what that document is.

A It is an Application for Certificate of Mexican Nationality.

Q Now, I want you to look at the signature on that document, and I want to ask you a question about that signature.

A Yes, sir.

Q Is that your signature?

A No, sir, it is not.

Q Did you authorize anyone to sign your name to that?

A I did not.

U.S. fails to keep tabs on foreign student

U. S. agencies fail to keep tabs on foreign students

By John Maclean
Chicago Tribune Press Service

WASHINGTON—In the wake of Atty. Gen. Griffin Bell's vow to deport Iranian students convicted of violence, the Justice Department has discovered record keeping so sloppy that the federal government doesn't know how many foreign students are in this country.

Partly as a result, thousands of foreign students, many of whom are not Iranians, face possible deportation, according to early results of the department's probe. The Immigration and Naturalization Service [INS], a Justice Department agency, faces a major shakeup.

INS figures show 323,000 foreign students in this country, of which 231,710 are "out of status," an INS term meaning they have overstayed their visas or cannot be located at schools they were to attend. Both conditions are grounds for deportation, as is conviction on a felony charge.

BUT THOSE figures do not include students who went home after the school year ended last spring, or those who arrived for the school year which began last fall. About 116,000 students come here each year from abroad.

Bell, who personally ordered the probe, was said to be "mad as a S.O.B." about INS inefficiency. Other Justice officials said INS records were so poor that they "don't even know what the size of the problem is."

When Bell ordered the check following a violent demonstration by Iranians in Beverly Hills, Cal., Jan. 2, it was found that INS computers had a backlog of 1 million pieces of information waiting to be fed into them.

INS records were more than six months out of date, the agency could not say how many students were in the country, and INS executives claimed they had so few inspectors they could not track down most visa offenders.

AS A RESULT, Bell ordered every INS district director to check by phone in his area with all the schools having foreign students in an effort to get current information.

Bell also ordered a spot check in the Los Angeles area where the Jan. 2 demonstration occurred. The files of 500 students there have been checked at random in a preliminary survey that showed 28.8 per cent out of status. Bell's spokesman, Terry Adamson, cautioned that could mean simply that a student has transferred from one school to another without notifying INS.

"The foreign student problem is clearly a significant contributor to the illegal alien problem," Adamson said.

"We think it is healthy to have a flow of foreign students in and out, but there is a notable problem if too many students overstay their visas."

THE INS has estimated there are about 36,000 Iranian students here. But the State Department has estimated the

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number ...igh as 50,000-60,000, many of whom are believed no longer attending classes.

A spokesman for the INS, Verne Jervis, said that INS is so understaffed and its record keeping so poor that INS investigators do not work on individual cases. Jervis said that if a foreign student drops out of school, overstays his visa, and gets a job here, "the chances of his being caught are not very great." The 1,000 INS inspectors spend their time instead trying to track down businesses that employ large numbers of illegal aliens.

"We're operating out of 40 million manila folders all over the country," Jarvis said. "When someone applies for naturalization, we have to send for his paper file. We lose [track of] about 10,000 people a year who come into the country on tourist or student visas."

JERVIS SAID efforts to computerize information have been made but have advanced slowly. He acknowledged that human operators are about 6 months behind in feeding information into the computer bank.

After visiting the INS, Bell began considering the formation of a special task force to make recommendations on ways to unscramble the agency's managerial ills.

Following the anti-shah riot in Beverly Hills, in which 7 were arrested and 35 injured, Bell pledged to deport all Iranians guilty of violence in this country as fast as the law allows.

He also said he was partly to blame for past policy, which left the handling of the Iranians strictly to local police. He said he should have taken the matter in hand after Iranian students attacked police and civilians during a visit to Washington by the Shah of Iran a year ago last November.

BELL WARNED the Iranians: "We're not going to put up with this kind of conduct by visitors to this country." Since then, he has widened the probe to include deportation of any foreign student who was in violation of INS law.

The INS has balked at such a review in the past on grounds it lacked manpower. Bell reacted with heat to the INS claim. He told a newsman, "If the attorney general directs them to do it, they'll do it. Everything about INS is a shortage of manpower. They have 10,000 people. They must be able to do something."

Bell's comments, though sharper, mirror and extend those made by other Justice Department officials during a recent Tribune investigation of the INS.

Previous investigations of the INS were described as having been kept "within the confines of the agency."

While 8000 AMERICANS ARE INVOLUNTARILY EXPATRIATED (ACCORDING TO JURISDICTIONAL STATEMENT) FOREIGN STUDENTS ARE UNSUPERVISED.